

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	)	
	)	
LAVERICK, DAVID J.	)	Attorney Docket No.:
	)	702.276
Serial No.: 10/663,045	)	
	)	
Filed: September 13, 2003	)	Group Art Unit No. 3663
	)	
NAVIGATIONAL DEVICE FOR MOUNTING	)	
ON A SUPPORT PILLAR OF A VEHICLE	)	Examiner: DIACOU, Ari M.
AND METHOD FOR DOING SAME	)	

**REPLY BRIEF**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	)	
	)	
LAVERICK, DAVID J.	)	Attorney Docket No.:
	)	702.276
Serial No.: 10/663,045	)	
	)	
Filed: September 13, 2003	)	Group Art Unit No. 3663
	)	
NAVIGATIONAL DEVICE FOR MOUNTING	)	
ON A SUPPORT PILLAR OF A VEHICLE	)	Examiner: DIACOU, Ari M.
AND METHOD FOR DOING SAME	)	

APPELLANT'S REPLY BRIEF

In response to the Examiner's Answer dated April 2, 2009, and the Appeal Brief dated December 12, 2008, Appellant's Reply Brief in accordance with 37 C.F.R. § 41.41 is hereby submitted. The Examiner's rejections of claims 1-3, 5, 7, 23-26, and 29-30 are herein appealed, and allowance of said claims is respectfully requested.

The Commissioner is hereby authorized to charge any fee for this Reply Brief, and any additional fees which may be required, or credit any overpayment, to Account No. 501-791.

Respectfully submitted,

By: /Samuel M. Korte/  
Samuel M. Korte, Reg. No. 56,557  
Garmin International, Inc.  
1200 East 151<sup>st</sup> Street  
Olathe, KS 66062  
(913) 440-5421  
patents@garmin.com

Appeal of U.S. Application No. 10/663,045  
April 16, 2009, Reply Brief

**I. Status of Claims**

Claims 1-3, 5, 7, 23-26, and 29-30 stand rejected and appealed. Claims 4, 6, 8-22, and 27-28 were previously canceled.

Appeal of U.S. Application No. 10/663,045  
April 16, 2009, Reply Brief

**II. Grounds of Rejection to be Reviewed on Appeal**

- A. Whether claims 1-3, 5, 7, 23-26, and 29-30 were properly rejected under 35 U.S.C. § 103(a) as being obvious in view of Schoenfish (US 6,370,037), Sturt (US 2003/018411), Meyers (US 6102284), and Meade (NPL).

### **III. Argument**

At issue is whether the Examiner has provided a sufficient amount of evidence to establish a *prima facie* case of obviousness for the claimed invention. Appellant has asserted, as briefly summarized by the Examiner on page 12 of the Answer, that no combination of the cited references provides any evidence of a docking station, including a speaker, which is operable to electrically couple with a navigation device to provide audible instructions *generated by the navigation device*.

The Examiner identified four arguments in the Answer, each of which is addressed below. All other issues pertinent to the present appeal are addressed in Appellant's Appeal Brief.

#### **A. The Examiner's combination of references does not teach a docking station that can receive a navigation device and which includes a speaker to provide audible navigation instructions generated by the docked navigation device**

In response to Appellant's argument that no cited reference provides any teaching (or other evidence) regarding docking stations having speakers for generating audible sounds from signals provided by *docked* devices, the Examiner asserts that Sturt [0033] discloses a vehicle console system that can include a speaker. Appellant does not dispute that Sturt teaches a vehicle console system having a speaker for use by an integrated console component like an infotainment system.

What is disputed is whether Sturt, when combined with any other reference, teaches a docking station with a speaker for generating sound from *docked* devices. Sturt does not provide any teachings regarding docking stations. Schoenfish and Meyers provide docking stations but do not provide speakers or other audio interfaces for use by *docked* devices. Thus, the indiscriminate combination of the Examiner's references still fails to provide any evidence that the speaker functionality recited in the independent claims would be obvious to one skilled in the art.

#### **B. A permanently-installed vehicle console system is not the same thing as a docking station**

On page 11 of the Appeal Brief, Appellant argued that Sturt merely teaches a vehicle console system with an integrated speaker for use by an integrated component and that installing Schoenfish's docking station into Sturt's panel 24 does not result in a system having a speaker for

generating audio from a docked device. In response to this argument, the Examiner asserts that Sturt does disclose a vehicle console having a speaker (Answer, pg. 13).

Appellant's contention regarding Sturt is not that Sturt lacks a speaker, but that installing a docking station into Sturt's panel does not provide Sturt's speaker with the ability to generate sound from docked devices—because Schoenfish and Meyers' docking stations do not have audio interfaces. Thus, as stated above, the indiscriminate combination of the Examiner's references does not provide any evidence that the speaker functionality recited in the independent claims would be obvious to one skilled in the art.

**C. Sturt, in combination with any other cited reference, does not teach an infotainment system that includes a speaker for generating audio from docked or other peripheral devices**

As discussed above, Appellant asserts that merely installing a docking system into Sturt's console panel does not result in the claimed invention because Schoenfish, Meyers, and Sturt provide no teachings regarding docking stations that can electrically couple with speakers. Further, no combination of these references provides any teachings regarding installing docking stations within vehicle consoles. The Examiner contends that it is sufficient for Sturt to merely teach a vehicle console with an integrated infotainment system (and associated speaker) and for Schoenfish and Meyers to disclose stand-alone docking stations. Appellant respectfully submits that the Examiner's contention must be supported by evidence—e.g., a teaching somewhere in the analogous art of integrating a docking station with a speaker or evidence that such a configuration is commonly known in the art. Without such evidence, the Examiner cannot form a *prima facie* case of obviousness.

**D. The Examiner's obviousness rejection does not comply with the PTO's KSR guidelines**

Appellant does not dispute that the Examiner has articulated a rationale for why the pending claims are obvious. Appellant's argument is that the Examiner has failed to provide proper evidentiary support for the rationale – e.g., a teaching in the prior art that bridges the gap between the pending claims and the Examiner's combination of references. Merely concluding that it would be obvious for a mechanical engineer to bridge that gap is not sufficient. *In re Kotzab*, 217 F.3d 1365, 1370, 55 U.S.P.Q.2d 1313 (Fed. Cir. 2000) (in presenting the reasoning to combine prior art references, the examiner may not resort to broad and conclusory statements as such statements are not "evidence" of anything.)

**IV. Conclusion**

The Examiner failed, with regard to the rejection of the pending claims under 35 U.S.C. §103(a), to establish the requisite *prima facie* case of obviousness because the cited prior art fails to teach each and every claim limitation—specifically a docking station including a speaker for providing audible navigation instructions generated by a docked navigation device.

Accordingly, reversal of the Examiner's rejections is proper, and such favorable action is solicited.

Respectfully submitted,

By: /Samuel M. Korte/  
Samuel M. Korte, Reg. No. 56,557  
Garmin International, Inc.  
1200 East 151<sup>st</sup> Street  
Olathe, KS 66062  
(913) 440-5421  
patents@garmin.com